## REMARKS

This responds to the Office Action mailed on May 17, 2007.

Claims 1, 8, 13, 20 and 27 are amended, no claims are canceled or added in this response; as a result, claims 1-31 remain pending in this application. Support for the amendments may be found throughout the specification, and in particular on page 17, line 22 to page 22, line 4. Applicant respectfully submits that no new matter has been introduced with the amendments.

*Interview Summary*

Applicant thanks Examiner **Jennifer Leung** as well as Supervisory Examiner **John Hotaling**, for the courtesy of a personal interview on **July 26, 2007** with Applicant's representatives **Rodney Lacy and Michael Blankstein**.

Applicant's representative presented new proposed amendments and discussed how the claimed invention distinguishes over Gatto et al. (U.S. 6,916,247). No agreement regarding the status of the claims was reached during the interview. The Examiner indicated that further consideration and a new search would be required regarding the subject matter in the proposed amendments.

*Double Patenting Rejection*

Claims 13-17 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 13-17 of U.S. Patent Application No. 10/788,661 in view of Gatto (U.S. 6,916,247).

Claims 1-11, 13-17 and 20-30 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5-6, 8-10, 13-16, 20-24, 28-29, 32-33, 35-37 and 40-43 of U.S. Patent Application No. 10/789,957 in view of Gatto.

In view of the above amendments to claims, Applicant does not admit that a case of obviousness-type double patenting exists with respect to claims 1-11, 13-17 and 20-30. Applicant will consider filing a terminal disclaimer when all other issues related to the patentability of the claims have been resolved.

*§103 Rejection of the Claims*

Claims 1-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto in view of Rowe (U.S. 6,645,077). In order for a *prima facie* case of obviousness to exist, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully submits that the claims are not obvious in view of the combination of Gatto and Rowe because the claims as amended contain numerous elements not found in the combination.

For example, claim 1 recites "sending service information for the game update service from the game update service to a discovery agent on the gaming network." Claims 8, 13, 20 and 27 recite similar elements regarding a service sending service information to a discovery agent. Applicant has reviewed both Gatto and Rowe, and can find no teaching or suggestion of a service sending service information about the service to a discovery agent on a gaming network.

Further, claim 1 recites "determining by the discovery agent if the game update service is authentic and authorized." Claims 8, 13, 20 and 27 recite similar language with respect to a discovery agent authenticating and authorizing a game update service. Applicant has reviewed both Gatto and Rowe, and can find no teaching or suggestion of authenticating and authorizing a service such as a game update service. Further, there is no teaching or suggestion in either Gatto or Rowe of a discovery agent that authenticates and authorizes a service for a gaming network.

In view of the above, claims 1, 8, 13, 20 and 27 recite elements that are not taught or suggested by either Gatto or Rowe, alone or in combination. Therefore claims 1, 8, 13, 20 and 27 are not obvious in view of the combination of Gatto and Rowe. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 8, 13, 20 and 27.

Claims 2-7 depend from claim 1; claims 9-12 depend from claim 8; claims 14-19 depend from claim 13; claims 21-26 depend from claim 20 and claims 28-31 depend from claim 27. These dependent claims are patentable over Gatto and Rowe for the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03

**Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art.

## CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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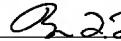
By /  /
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of August 2007.

Rodney L. Lacy

Name

/  /

Signature